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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/736,523   | 12/17/2003  | Wein-Bin Chen        | BHT-3103-156        | 4352             |
| 7590   | 04/04/2005  |                      | EXAMINER            |                  |
| BRUCE H. TROXELL<br>SUITE 1404<br>5205 LEESBURG PIKE<br>FALLS CHURCH, VA 22041 |             |                      | MOHANDESI, JILA M   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3728                |                  |

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/736,523             | CHEN, WEIN-BIN      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jila M Mohandes        | 3728                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Warfield (5,611,426). Warfield '426 discloses a CD storage box which is integrally formed, said box is provided with a plurality of mutually neighboring in a recessed surface thereof, which recesses have their heights lowered from a first one gradually to a last one of said recesses; each of said recesses has an annular chamber in corresponding by size to a diameter of a CD; said annular chambers each is composed of a bottom surface with predetermined radial width and an inner wall perpendicular to said bottom surface, and each is provided with a CD positioned means (round support plateau 32 and a locking protrusion 34); each of said recesses has a height difference from those of its neighboring ones, part peripheries of said recesses are mutually overlapped with a neighboring one to form a notch area. See Figures 1-3 embodiments.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pozzoli 95,743,390). Pozzoli '390 discloses a CD storage box which is integrally formed, said box is provided with a plurality of mutually neighboring in a recessed surface thereof, which recesses have their heights lowered from a first one gradually to a last one of said recesses; each of said recesses has an annular chamber in

corresponding by size to a diameter of a CD; said annular chambers each is composed of a bottom surface with predetermined radial width and an inner wall perpendicular to said bottom surface, and each is provided with a CD positioned means (round support plateau 32 and a locking protrusion 34); each of said recesses has a height difference from those of its neighboring ones, part peripheries of said recesses are mutually overlapped with a neighboring one to form a notch area. See Figures 2-3 embodiments.

With respect to claim 3, note notches (22) in Figure 2 embodiment.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warfield '426 in view of Pozzoli '390. Warfield '426 as described above discloses all the limitations of the claims except for said highest of said recess being provided on a periphery thereof further with notches. Pozzoli '390 discloses that it is desirable to provide notches for easier removal of the CD from the recess. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide on a periphery of the recess notches as taught by Pozzoli '390 for easier removal of the CD from the recess.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pozzoli '390. With respect to the number of recesses, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to increase the number of recesses to accommodate more CDs, since it has been held that mere duplication and rearranging of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. V. Bemis Co., 193 USPQ 8 and In re Einstein, 8 USPQ 167.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Warfield '426 or Pozzoli '390 in view of Ho (6,648,135). Each of Warfield '426 and Pozzoli '390 as described above disclose all the limitations of the claims except for a slightly raise arciform portion and a protruding strip for holding the CDs. Ho'135 discloses that it is desirable to provide a slightly raised arciform portion (first support member) and a plurality of protruding strips for better holding the CDs by elevating the CDs from the base member and to prevent the CDs from contact with the lids. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a slightly raise arciform portion and a protruding strip to the recesses of each of Warfield '426 and Pozzoli '390 as taught by Ho'135 for elevating the CDs from the base member and to prevent contact with the lids.

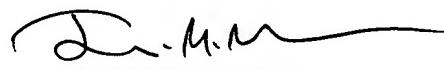
### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are CD storage boxes analogous to applicant's instant application.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M Mohandes whose telephone number is (571) 272-4558. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JILA M. MOHANDESI  
PRIMARY EXAMINER

  
Jila M Mohanedi  
Primary Examiner  
Art Unit 3728

JMM  
March 31, 2005